

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

All cases naming the Nashville Health Care)
Defendants)
_____)

**JOINT MOTION FOR ENTRY OF
CONSENT DISMISSAL ORDER**

The Plaintiffs' Steering Committee, Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; and Debra Schamberg, RN, (collectively "STOPNC Defendants"), and Defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital; Saint Thomas Network; Saint Thomas Health; Ascension Health, and Ascension Health Alliance, (collectively "Saint Thomas Defendants"), (collectively with the STOPNC Defendants, the "Nashville Health Care Defendants"), jointly request that the Court enter an order dismissing with prejudice all of the cases listed in the Consent Dismissal Order attached hereto as Exhibit 1 ("the Nashville Actions").

Pursuant to the terms of the parties' Settlement Agreement, the Plaintiffs must dismiss all claims against the Nashville Health Care Defendants once they receive full and final payment from the Saint Thomas Escrow Settlement Fund. The Plaintiffs in the listed Nashville Actions recently received that final payment. Accordingly, the parties respectfully request that the Court enter the Consent Dismissal Order attached hereto as

Exhibit 1.¹ This fully and finally resolves all claims against all Defendants in the cases listed in the Consent Dismissal Order.²

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

C.J. Gideon, Jr.*

Chris J. Tardio*

Alan S. Bean**

Matthew H. Cline*

315 Deaderick Street, Suite 1100

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (615) 254-0459

chris@gideoncooper.com

Attorneys for the STOPNC Defendants

* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

/s/ Sarah P. Kelly

Sarah P. Kelly (BBO #664267)

NUTTER McCLENNEN & FISH LLP

Seaport West

155 Seaport Boulevard

Boston, Massachusetts 02210

(617) 439-2000

(617) 310-9461 (FAX)

skelly@nutter.com

¹ The Consent Dismissal Order follows the same basic procedure used to dismiss the Insight cases following the settlement in those cases. See Doc. 2083.

² There remain two cases pending against the Nashville Health Care Defendants that are not yet ripe for dismissal due to the resolution of lien issues: (1) *Sellers v. Ameridose, et al.*, Case No. 1:13-cv-12620 and (2) *Temple v. Ameridose, et al.*, Case No. 1:13-cv-12696. The PSC expects final payment in these cases to occur prior to the next status conference. The parties anticipate filing a separate joint motion and consent order for dismissal of these two cases once the Plaintiffs receive final payment.

Yvonne K. Puig*

Texas State Bar No. 16385400

Adam T. Schramek*

Texas State Bar No. 24033045

Eric J. Hoffman*

Texas State Bar No. 24074427

NORTON ROSE FULBRIGHT US LLP

98 San Jacinto Blvd. Suite 1100

Austin, Texas 78701

(512) 536-2450

(512) 536-4598 (FAX)

yvonne.puig@nortonrosefulbright.com

adam.schramek@nortonrosefulbright.com

eric.hoffman@nortonrosefulbright.com

Marcy Hogan Greer*

State Bar No. 08417650

ALEXANDER DUBOSE JEFFERSON &

TOWNSEND LLP

515 Congress Avenue, Suite 2350

Austin, Texas 78701-3562

(512) 482-9300

(512) 482-9303 (FAX)

mgreer@adjtlaw.com

Attorneys for the Saint Thomas Defendants

*Appearing *Pro Hac Vice*

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV

Benjamin A. Gastel

BRANSTETTER, STRANCH & JENNINGS
PLLC

223 Rosa L. Parks Avenue, Suite 200

Nashville, TN 37203

Telephone: (615) 254-8801

Facsimile: (615) 255-5419

gerards@bsjfirm.com

beng@bsjfirm.com

*Plaintiffs' Steering Committee and Tennessee
State Chair*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 19th day of December, 2017.

/s/ Chris J. Tardio

Chris J. Tardio